

## **REMARKS**

**[0010]** Applicant respectfully requests continued examination, reconsideration, and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1-36 are currently pending
- Claims 1, 10, 19, and 28 are amended herein

### **Claims 1, 10, 19, and 28 Comply With § 112 1st Paragraph**

**[0011]** Claims 1, 10, 19, and 28 stand rejected under 35 U.S.C. § 112, ¶ 1, as allegedly failing to comply with the written description requirement. Applicant respectfully traverses this rejection.

**[0012]** Nevertheless, for the sole purpose of expediting prosecution and without commenting on the propriety of the Office's rejections, Applicant herein amends claims 1, 10, 19, and 28 as shown above. Applicant respectfully submits that these amendments render the § 112, ¶ 1 rejections moot.

### **Cited Documents**

**[0013]** The following documents have been applied to reject one or more claims of the Application:

- **Zhang:** *Zhang et al.*, U.S. Patent Application Publication No. 2003/0058931 A1
- **Radha:** *Radha et al.*, U.S. Patent Application Publication No. 2003/0002579 A1
- **Haskell:** *Haskell et al.*, U.S. Patent No. 5,742,343 A

**Claims 1-5, 7-14, 16-23, 25-32, and 34-36 Are Non-Obvious Over Zhang in view of Radha**

**[0014]** Claims 1-5, 7-14, 16-23, 25-32, and 34-36 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over *Zhang in view of Radha*. Applicant respectfully traverses the rejection.

**Independent Claim 1**

**[0015]** Applicant submits that the Office has not made a *prima facie* showing that independent claim 1 is obvious in view of the combination of Zhang and Radha. Applicant submits that the combination of Zhang and Radha does not teach or suggest the following features of this claim, as amended (with emphasis added):

A method implemented in a content distribution server, the method comprising:

decoding an enhancement layer bitstream using the content distribution server and an encoded base layer bitstream from a bitstream of encoded video data, the encoded video data including the encoded base layer and one or more encoded enhancement layers, the video data having been encoded according to a high HQRB (high quality reference bit-rate) that determines how many bits of the enhancement layer bitstream are used to reconstruct a high quality reference image;

***extracting motion vectors from the base layer and skipping coded coefficients and other information at the base layer to transcode the enhancement layer bitstream;***

determining data throughput characteristics of a content distribution network coupled to a client computing device using the content distribution server;

calculating a new HQRB based on a difference between the data throughput characteristics of the network and a bit rate of the encoded base layer in the bitstream of encoded video data using the content distribution server;

encoding the decoded enhancement layer bitstream based on the new HQRB to generate a transcoded enhancement layer bitstream using the content distribution server; and

streaming the transcoded enhancement layer bitstream to the client computing device using the content distribution server with the encoded base layer bitstream with encoding that is at least partially optimized for the throughput characteristics of the content distribution network.

**[0016]** Claim 1 recites in part, “*extracting motion vectors from the base layer and skipping coded coefficients and other information at the base layer to transcode the enhancement layer bitstream.*” The Office cites Zhang, paragraph 50 as teaching, “enhancement layer 512 is transcoded in transcoder 540 to output enhancement layer video 519, without transcoding base layer 511.” (Office Action, page 5.) Zhang describes “rate and distortion characteristics are extracted from the base layer bitstream.” (Zhang, paragraph 0030). Zhang also describes that the “enhancement layer VBR transcoder 540 generates an output enhancement layer bitstream 519 from the input enhancement layer bitstream 512 according to the rate and distortion characteristics 521.” (Zhang paragraph 0050). However, Zhang does not

describe, “extracting motion vectors from the base layer and skipping coded coefficients and other information at the base layer to transcode the enhancement layer bitstream,” as recited in amended Claim 1. Furthermore, both Radha and Haskell fail to cure the foregoing deficiencies of Zhang.

**[0017]** Consequently, the combination of Zhang and Radha (with or without Haskell) does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

**Dependent Claims 2-5 and 7-9**

**[0018]** Claims 2-5 and 7-9 ultimately depend from independent claim 1. As discussed above, claim 1 is allowable over the cited documents. Therefore, claims 2-5 and 7-9 are also allowable over the cited documents of record for at least their dependency from an allowable base claim. These claims may also be allowable for the additional features that each recites.

**Independent Claim 10**

For reasons similar to those set forth above, Applicant respectfully submits that this claim is allowable. Accordingly, Applicant requests that the rejection of this claim be withdrawn.

**Dependent Claims 11-14 and 16-18**

Claims 11-14 and 16-18 ultimately depend from independent claim 10. As discussed above, claim 10 is allowable over the cited documents. Therefore, claims 11-14 and 16-18 are also allowable over the cited documents of record for at least their dependency

from an allowable base claim. These claims may also be allowable for the additional features that each recites.

*Independent Claim 19*

For reasons similar to those set forth above, Applicant respectfully submits that this claim is allowable. Accordingly, Applicant requests that the rejection of this claim be withdrawn.

*Dependent Claims 20-23 and 25-27*

Claims 20-23 and 25-27 ultimately depend from independent claim 19. As discussed above, claim 19 is allowable over the cited documents. Therefore, claims 20-23 and 25-27 are also allowable over the cited documents of record for at least their dependency from an allowable base claim. These claims may also be allowable for the additional features that each recites.

*Independent Claim 28*

For reasons similar to those set forth above, Applicant respectfully submits that this claim is allowable. Accordingly, Applicant requests that the rejection of this claim be withdrawn.

*Dependent Claims 29-32 and 34-36*

Claims 29-32 and 34-36 ultimately depend from independent claim 28. As discussed above, claim 28 is allowable over the cited documents. Therefore, claims 29-32 and 34-36 are also allowable over the cited documents of record for at least their dependency

from an allowable base claim. These claims may also be allowable for the additional features that each recites.

**Claims 6, 15, 24, and 33 Are Non-Obvious Over Zhang in view of Radha, and in view of Haskell**

**[0019]** Claims 6, 15, 24, and 33 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Zhang in view of Radha, and in view of Haskell. Applicant respectfully traverses the rejection.

Claims 6, 15, 24, and 33 ultimately depend from independent claims 1, 10, 19, and 28. As discussed above, claims 1, 10, 19, and 28 are allowable over the cited documents. Furthermore, Haskell fails to cure the deficiencies discussed above. Therefore, claims 6, 15, 24, and 33 are also allowable over the cited documents of record for at least their dependency from an allowable base claim. These claims may also be allowable for the additional features that each recites.

## Conclusion

**[0020]** Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the Examiner is urged to contact the undersigned representative for the Applicant before issuing a subsequent Action.

Respectfully Submitted,

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